

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

| | | |
|----------------------------|---|--------------------------|
| IN RE: |) | Chapter 11 |
| |) | |
| EASTERN LIVESTOCK CO., LLC |) | Case No. 10-93904-BHL-11 |
| |) | |
| Debtor. |) | Hon. Basil H. Lorch III |

**APPLICATION TO EMPLOY HOOVER HULL LLP
AS SPECIAL COUNSEL TO CHAPTER 11 TRUSTEE**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), respectfully moves this Court for an order, substantially in the form attached hereto as Exhibit A, authorizing the Trustee to employ the firm of Hoover Hull, LLP ("Hoover Hull") to serve as Trustee's special counsel with respect to the investigation and prosecution of any and all claims or objections that may be asserted by the Trustee against Fifth Third Bank, N.A. ("Fifth Third") or with respect to any claim that may be asserted herein by Fifth Third. In support of this application ("Application"), the Trustee respectfully represents the following:

1. The Trustee wishes to employ the firm of Hoover Hull, each of whose attorneys identified below is duly admitted to practice in this Court.
2. The Trustee selected Hoover Hull because Hoover Hull has extensive experience with respect to the types of matters for which the Trustee seeks to employ Hoover Hull, and Hoover Hull practices before this Court and is familiar with the local rules. Hoover Hull is well qualified to represent the Trustee herein.
3. Hoover Hull's primary role as special counsel to the Trustee will be to investigate and prosecute claims and objections against Fifth Third or claims asserted by Fifth Third in this case.

4. At this point in time, the Trustee has no reason to believe that there is any dispute or actual conflict of interest between the Trustee and Fifth Third, but seeks the retention of Hoover Hull out of an abundance of caution in order to preserve the estate's rights.

5. Hoover Hull is disinterested as that term is defined in 11 U.S.C. § 101. It neither represents nor holds any interest adverse to the interests of the bankruptcy estate with respect to the matters on which Hoover Hull is to be employed. Except as provided in the *Affidavit of John David Hoover In Support Of Application To Employ Hoover Hull LLP As Special Counsel To Chapter 11 Trustee* ("Hoover Affidavit") attached as Exhibit B, Hoover Hull represents no entity in connection with this case and it has no connection with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

6. Subject to Court approval, and in accordance with section 330(a) of the Bankruptcy Code, and any order authorizing interim compensation procedures by this Court, the Trustee desires to employ Hoover Hull on an hourly fee basis at its rates for similar employment, plus reimbursement of all actual and necessary expenses incurred by Hoover Hull in connection with this engagement. The primary attorneys and paralegals within Hoover Hull who will represent the Trustee and their current standard hourly rates are:

| <u>PROFESSIONAL</u> | <u>TITLE</u> | <u>RATE</u> |
|---------------------|--------------|-------------|
| John D. Hoover | Partner | \$390.00 |
| Sean White | Partner | \$310.00 |

| <u>PROFESSIONAL</u> | <u>TITLE</u> | <u>RATE</u> |
|---------------------|--------------|-------------|
| Jeff Roberts | Associate | \$275.00 |
| Laurie Lee | Paralegal | \$140.00 |

These hourly rates are subject to periodic adjustments to reflect economic and other conditions. The Trustee believes the proposed rates are reasonable.

7. No actual conflict of interest exists with respect to Hoover Hull 's proposed representation of the Trustee and Hoover Hull 's representation of any other client.

WHEREFORE, the Trustee respectfully requests that its employment of Hoover Hull to represent the Trustee pursuant to the terms described herein be approved, and for all other just and proper relief.

Respectfully Submitted,

By: /s/ James A. Knauer
Chapter 11 Trustee

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CERTIFICATE OF SERVICE

I hereby certify that on January 18th, 2011, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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